

Serial No.: 10/672,367

Attorney Docket No.: 03P8217US

REMARKS

Claims 1-17 and 19-23 are pending. Claim 11 has been amended to overcome an objection.

Claims 1-3, 5, 9-16, and 18-22 were rejected under 35 U.S.C. §103 as being unpatentable over DeVries, U.S. Patent No. 6,968,179 ("DeVries") in view of Horvitz et al., U.S. Patent Publication No. 2003/0014491 ("Horvitz"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by DeVries or Horvitz, either singly or in combination.

As discussed in response to the previous Official Action, in certain embodiments of the present invention the availability or presence of a user or device may be defined based on location boundary parameters. In some embodiments, the user remote device itself maintains presence and availability rules (which may be transmitted to the remote device) and transmits location changes when a presence would be changed. The user remote device itself make such a determination. The location and presence rules define an availability of a user across various user devices or media.

Thus, claim 1 recites "wherein said presence server is configured to transmit to said plurality of network clients a plurality of availability information defining where said plurality of network clients may be contacted correlated with said position information, said availability information defining parameters within location boundaries of a plurality of contact media;" claim 11 recites "said availability information defining parameters within location boundaries of a plurality of contact media;" and claim 19 recites "said positioning and presence correlation rules defining an availability of a user across a plurality of media at a plurality of user devices or media depending on a detected location of a user."

In contrast, DeVries does not appear to provide for remote devices maintaining presence and location rules defining availability across multiple media. In DeVries,

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notifications may be sent to a user when other users are within a predetermined distance, but DeVries does not provide that the notifications may be based on multiple, user-selected media based on the locations and/or presence status, as generally recited in the claims at issue.

Paragraph 7 of the Official Action cites [Col 2, lines 52-62 and Col. 2, lines 63-67 in support of the proposition that DeVries discloses network clients maintaining position-presence rules.

Col. 2, lines 52-62 are reproduced below:

In another alternative, the user can set rules and/or parameters to control when notifications are generated based on a change event to the user's people/place state. For example, a user may set a proximity parameter designating that notifications are provided only when the other users on his or her buddy list are within a certain proximity (e.g., within a same building complex, within a certain number of miles or kilometers, etc.). As further examples, the user may set rules or parameters to enable or disable notifications, such as to prevent interruption when the user is in a meeting, involved in a task, etc.

While this passage indicates that a user of deVries can control when notifications occur, it is silent as to the source of the notification. However, Col. 2, lines 28-33, clearly indicate that the notifications are provided by the information service, not the user device, and thus the rules are maintained at the information service, not the device:

The information service processes information as to the people with whom the user has established relationships and the location of those people as reported by their mobile personal devices, so as to then provide place-specific people notifications to the user as well as user-initiated search results. The notifications and search results may take the form of an audible alarm, voice, textual display, or graphical display, among others.

Col. 2, lines 63-67, reproduced below, are not to the contrary:

In still another alternative, the user can set rules and/or parameters to control when information of the user's location is allowed to change other users' people/place states or result in notifications to such other users.

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Thus, it is clear that this passage refers not to the user device itself maintaining rules but when the information service is allowed to transmit information based on rules maintained at the information service.

Applicants respectfully submit that the absence of these elements alone would be render the claimed invention nonobvious over the prior art. However, the rejection suffers additional deficiencies.

Paragraph 7 of the Official Action states that DeVries discloses transmitting "position information responsive to detecting a change in position and presence in accordance with one or more position-presence rules" and relies on Col. 2, lines 43-51, col.5, lines 47-50, col. 7, line 67 – col. 8, line 5 for this proposition.

Applicants respectfully submit that DeVries likewise fails to teach such limitations.

Col. 2, lines 43-51 are reproduced below:

The information service also tracks a location state for each user, such as by having each user's mobile device report that user's location to the information service. As any user moves location, the information service updates that user's location state, and also updates any people/place states whose set of users includes the moved user. When any user's people/place state changes, the information service generates a state change event which may trigger notifications to the user.

Rather than supporting the proposition that the user device transmits location updates responsive to a presence change, this passage simply indicates that DeVries's information service receives location information received from the mobile device and updates the people place states. Nowhere does it indicate that the user device transmits location information responsive to a determination of a presence change.

Col. 5, lines 47-50 provide that

The personal mobile data communications devices' locations can be reported to the information service at periodic intervals, or alternatively may be reported whenever the location changes by a significant threshold amount.

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Again, rather than transmitting in response to a presence change, this is simply transmitting location information in response to a location change.

Col. 7, line 67 – col. 8, line 5 provides that

[w]hen a change to the buddy C's location or other presence information (e.g., availability) occurs, the buddy C presence server sends a notification to all that have subscribed, including to the user A. This then updates the buddy C place context 322 in the user A people/place state 300, which may result in alerts being presented to the user A.

This passage likewise fails to support the user device transmitting location information responsive to a presence change. Indeed, it explicitly says that the presence server provides notification, and is utterly silent as to the user device.

Thus, as discussed in response to the previous Official Action, in DeVries, all presence determinations are implemented in server application software run on a server computer or group of servers. (Col. 4, lines 47-50). Thus, presence determinations are not made at the local devices. Locations may be polled or transmitted from the devices when they change, but in DeVries, a local device never makes a presence determination. These are all done by the presence server once the location update has been received. These have nothing to do with transmitting location changes responsive to a presence change, as generally recited in the claims at issue (or, e.g., in claim 1, "responsive to the plurality of network clients detecting a change in position and presence in accordance with the one or more position-presence rules.").

Paragraph 7 of the Official Action also argues that Horvitz, paragraphs 0071-0074 teach "transmitting position information responsive to detecting a change in position and presence in accordance with one or more position-presence rules." These paragraphs (too long to reproduce herein), however, teach nothing more than that a central service makes a determination as to the state of a user. They are utterly silent on a mobile user device reporting location information and certainly contain no hint that a mobile user device can report location information responsive to detecting a change

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in position and presence in accordance with the one or more position-presence rules. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4, 17, and 23 have been rejected under 35 U.S.C. as being unpatentable over DeVries, Horvitz and "well known prior art." DeVries and Horvitz have been discussed above. Even assuming that the "well-known prior art" may legitimately be considered so, it fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries, Horvitz and further in view of Yugami, U.S. Patent Application No. 03/0027583 ("Yugami"). DeVries and Horvitz have been discussed above. Yugami is relied on for allegedly teaching using e-mail to transmit position information. Even assuming that were true, however, like DeVries, and Horvitz, Yugami fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 7 has been rejected under 35 U.S.C. 103 as being unpatentable over DeVries, Horvitz, and further in view of Greene, U.S. Patent Application No. 02/0077080 ("Greene"). DeVries and Horvitz have been discussed above. Greene is relied on for allegedly teaching using IM to transmit position information. Even assuming that were true, however, like DeVries and Horvitz, Greene fails to teach, inter alia, that transmitting location changes responsive to a presence change or across plural media, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries, Horvitz, and further in view of Watanabe et al., U.S. Patent Application No.

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04/0203894 ("Watanabe"). DeVries and Horvitz have been discussed above. Watanabe is relied on for allegedly teaching using SIP to transmit position information. Even assuming that were true, however, like DeVries and Horvitz, Watanabe fails to teach, inter alia, that transmitting location changes responsive to a presence change or defining availability across plural media, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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